

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

ROBERTA FORD,

Plaintiff,

SAMARA PORTFOLIO MANAGEMENT,  
L.L.C.; LAW OFFICE OF JOSEPH  
ONWUTEAKA, P.C. and JOSEPH  
ONWUTEAKA

Defendants

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case No. 2:12-cv-95

**ORIGINAL COMPLAINT**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW Roberta Ford, Plaintiff in the above-numbered and styled proceeding, complaining of and against Defendants Samara Portfolio Management, L.L.C., Law Office of Joseph Onwuteaka, P.C. and Joseph Onwuteaka, and for causes of action would respectfully state the following:

**I. Introduction**

1. This action seeks redress for unlawful debt collection practices in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq (hereinafter "FDCPA"). Specifically, Plaintiff alleges that Defendants filed an action to collect upon a consumer debt in a distant forum in violation of 15 U.S.C. § 1692i.

**II. Jurisdiction and Venue**

2. This Court has subject matter jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. §§ 1337. Venue in this district is proper under 28 U.S.C. § 1391(b), because a substantial part of the events or omissions giving rise to the claims took place in this

District.

### **III. Parties**

3. Plaintiff Roberta Ford ("Ford") is an individual who resides in Gilmer, Upshur County, Texas.

4. Defendant Samara Portfolio Management, L.L.C. ("Samarra") is a domestic limited liability company, and it may be served through its registered agent, Joseph Onwuteaka, at 7324 Southwest Freeway, Suite 310, Houston, TX 77074.

5. Defendant Law Office of Joseph Onwuteaka, P.C. is a domestic professional corporation, and it may be served through its registered agent, Joseph Onwuteaka, at 7324 Southwest Freeway, Suite 310, Houston, TX 77074.

6. Defendant Joseph Onwuteaka is an attorney who conducts his practice through the Law Office of Joseph Onwuteaka, P.C. He may be served with process at 7324 Southwest Freeway, Suite 310, Houston, TX 77074.

7. Defendants are engaged in the collection of debts using the mail and the telephone. These Defendants regularly attempt to collect consumer debts alleged to be due to another and are "debt collectors" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

### **IV. Facts**

8. On or about December 16, 2003, Ford signed a retail installment contract for the purchase of a 2004 Kia Sorento primarily for personal, family or household purposes from a Crown Kia in Longview, Gregg County, Texas, and she resided in Upshur County when she signed the retail installment contract. She moved to Upshur County, Texas in 2006.

9. On January 24, 2011, Defendants Law Office of Joseph Onwuteaka, P.C. and Joseph Onwuteaka (collectively referred to hereafter as "Onwuteaka") filed a lawsuit

against Ford in a Justice Court located in Houston, Harris County, Texas, on behalf of Samarra as the purported assignee of Crown Kia, AmeriCredit Financial Services, Inc., Asset Acquisition Group, Inc. and Mattia and Associates, seeking to recover a deficiency judgment of \$8,376.94 and attorney's fees of \$1,600.00. On the date the underlying suit was filed, Ford resided in Gilmer, Upshur County, Texas. On or about July 7, 2011, Ford was served with process in Gilmer, Upshur County, Texas. Thereafter, Ford made a pro se appearance through a letter on July 13, 2011 and then filed an amended answer through counsel on July 27, 2011. That case remains pending at this time and has not yet been set for trial.

10. Defendants regularly sue consumer debtors in Harris County Justice Court, even though they reside in other counties at the time of suit and have signed the underlying contracts in other counties.

**V. CLAIM FOR RELIEF UNDER FAIR DEBT COLLECTION PRACTICES ACT**

11. Plaintiff incorporates paragraphs 1-10 above.

12. Defendants are "debt collectors" as that term is defined in 15 U.S.C. § 1692a(6) and violated the FDCPA by filing suit to collect on a consumer debt in a distant forum in violation of 15 U.S.C. § 1692i(a)(2).

13. As a result of this violation of the FDCPA, Defendants are liable to the Plaintiff for a declaratory judgment that Defendants' conduct violated the FDCPA, statutory damages, and costs and attorney's fees.

WHEREFORE, Plaintiff prays that the Court grant the following relief on her behalf against Defendants:

- a. Declaratory judgment that the conduct of Defendants violated the FDCPA;
- b. Statutory damages, as provided for in 15 U.S.C. § 1692k(a)(2);
- c. Attorney's fees, litigation expenses and costs, as provided in 15 U.S.C. § 1692k(a)(3); and
- h. Such other and further relief as the Court deems appropriate.

Respectfully submitted,

**Lone Star Legal Aid**

1415 Fannin Street

Houston, Texas 77002

713-652-0077, ext. 1154 and 1283

Fax: 713-652-3814

/s/ Richard Tomlinson

RICHARD TOMLINSON

State Bar No. 20123500

ATTORNEY FOR PLAINTIFF